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Message Text

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73
ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 CIAE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 SAM-01 NEA-11 TRSE-00 SAJ-01 OIC-04 AEC-11

OMB-01 DRC-01 /147 W
---------- 040409
P 011945Z FEB 74
FM USMISSION NATO
TO SECSTATE WASHDC PRIOTITY 3857
SECDEF WASHDC PRIORITY
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY VIENNA PRIORITY
USNMR SHAPE
USCINCEUR
USMISSION GENEVA

S E C R E T USNATO 0538

E.O. 11652: GDS, 12-31-82
TAGS: PARM, NATO
SUBJECT: MBFR: SPC REACHES AD REF AGREEMENT ON STABILIZING MEASURES

VIENNA FOR USDEL MBFR
GENEVA FOR USDEL CSCE

REF: USNATO 0492

SUMMARY: FEBRUARY 1 SPC MEETING REACHED AD REF AGREEMENT TO
THIRD REVISED SPC DRAFT ON STABILIZING MEASURES (REFTEL).
COMMITTEE MADE SOME CHANGES IN THE TEXT, PARTICULARLY WITH
RESPECT TO HANDLING OF UNRESOLVED ISSUES. MISSION WILL SEND
COMPLETE NEW TEXT AS SOON AS AVAILABLE, PROBABLY ON FEBRUARY4.
ACTION REQUESTED: REQUEST AUTHORIZATION APPROVE TEXT AT
FEBRUARY 6 NAC. WOULD ALSO APPRECIATE AN INDICATION OF WHETHER
WE COULD JOIN MAJORITY ON MULTILATERALIZATION OF PRE-ANNOUNCEMENTS.
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END SUMMARY.

1. VERIFICATION OF STABILIZING MEASURES. U.S. REP SUGGESTED
DROPPING REFERENCE TO THIS ISSUE IN TEXT OF REPORT, BUT

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BELGIAN REP BELIEVED THAT IT WAS NOT NECESSARY TO TAKE THIS
STEP YET.

2. MULTILATERALIZATION OF PRE-ANNOUNCEMENTS. BRACKETS AROUND
LANGUAGE ON THIS POINT RETAINED THROUGHOUT THE TEXT. (COMMENT:
BELGIAN REP TOLD US PRIVATELY THAT HIS AUTHORITIES MIGHT NOT
BE PREPARED TO DROP THEIR INSISTENCE ON MULTILATERALIZATION OF
PRE-ANNOUNCEMENTS AT FEBRUARY 6 NAC AND MAY HOLD OUT UNTIL
FEBRUARY 13 COUNCIL MEETING. BASED ON COMMENTS FROM OTHER
ALLIED REPS ON THIS ISSUE, MISSION'S ASSESSMENT IS THAT MOST
ALLIES WOULD BE WILLING TO GO EITHER WAY. IF BELGIAN AND DUTCH
DELEGATIONS TAKE A FIRM STAND ON THIS ISSUE, OTHERS WOULD PRO-
BABLY BE WILLING TO ACCEPT MULTILATERALIZATION OF PRE-ANNOUNCEMENTS
IF THE U . WERE WILLING TO DO SO. ON THE OTHER HAND, MOST ALLIES
WOULD SUPPORT THE U.S, AND BELGIUM AND THE NETHERLANDS WOULD EVEN-
TUALLY AGREE AS WELL, IF THE U.S. STRONGLY OPPOSED MULTILATERALIZATION.

OUR SUGGESTION IS THAT WE WORK HERE FOR AN UNDERSTANDING WITH
THE GELGIAN AND DUTCH, AND POSSIBLY ITALIAN, DELEGATIONS THAT
THE ALLIES PROPOSE IN THE FIRST INSTANCE THAT THE U.S. AND USSR
NOTIFY ONLY EACH OTHER, BUT THAT, IF THE SOVIETS PRESS FOR INCLUSION
OF EUROPEAN ALLIES IN MEASURES, AD HOC GOUP WOULD BE AUTHORIZED
TO FALL BACK TO MULTILATERALIZATION OF PREANNOUNCEMENTS. THIS APPROACH

WOULD BE IN LINE WITH STATE 000560. IT MAY, HOWEVER, BE NECESSARY
TO HAVE SECOND NAC DISCUSSION ON FEBRUARY 13 IN ORDER TO WORK OUT
THIS ARRANGEMENT. END COMMENT).

3. TERMINATION OR WITHDRAWAL FROM AGREEMENT. UK REP ASKED
FOR DELETION OF THE TWO SENTENCES IN THE MIDDLE OF PARA 3 OF
COVER NOTE BEGINNING "A MATERIAL BREACH" AND ENDING".. OR
TERMINATE THE AGREEMENT." UK REP SAID THAT LEGAL EXPERTS IN
LONDON HAD SEVERAL OBJECTIONS TO THESE TWO PROPOSITIONS.
"A MATERIAL BREACH," ACCORDING TO ARTICLE 60 OF VIENNA CONVENTION,
DEPENDS UPON UNANIMOUS AGREEMENT BY ALL PARTIES. MOREOVER,
SEVERAL COUNTRIES, INCLUDING THE U.S. AND THE USSR HAVE NOT
YET RATIFIED THE VIENNA CONVENTION. IN ADDITION, UK CONSIDERS
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"AN UNFORESEEN FUNDAMENTAL CHANGE IN CIRCUMSTANCES" AS SOMETHING
MUCH MORE BASIC (E.G, A FUNDAMENTAL TECHNOLOGICAL CHANGE, A
NATURAL DISASTER, ETC.) THAT A QUESTION OF ONE OF THE PARTIES DOING
SOMETHING WHICH IT UNDERTOOK NOT TO DO. LUXEMBOURG REP AGREED WITH
UK INTERPRETATIONS. U.S. REP AGREED THAT THESE TWO SENTENCES
WERE PROBABLY NOT NECESSARY IN THE TEXT AT THIS TIME, BUT DID
BELIEVE THAT THEY SHOULD BE RETAINED IN THE ACTION SHEET OF THE
SPC MEETING TOGETHER WITH THE UK'S OBSERVATIONS,
FOR FUTURE REFERENCE WHEN ALLIES RETURN TO A MORE DETAILED EXAMINA-
TION OF THESE LEGAL ISSUES.

4. UK RESERVATION. DUTCH REP STRONGLY OPPOSED UK FOOTNOTE(PARA 2).
HE CONSIDERED THAT ALLIES WOULD HAVE TO ACCEPT THE FACT THAT

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SOME MEASURES WOULD BE NECESSARY FOR THEIR FORCES AT SOME POINT IN MBFR AND THERE WERE NO GROUND FOR UK TO RULE THEM OUT ENTIRELY. MOREOVER, UK FOOTNOTE IMPLIED THAT OTHER ALLIES COULD ACCEPT THESE MEASURES IN ALL THEIR DETAILS. COMMITTEE ASKED UK AND DUTCH REPS TO DEVELOP A FOOTNOTE ON WHICH THEY COULD BOTH AGREE, WHICH WILL BE REFLECTED IN THE TEXT WHICH WILL BE FORWARDED TO THE COUNCIL. DUTCH REP ALSO SUGGESTED THAT ALLIES START SOON TO EXAMINE POSSIBLE STABILIZING MEASURES FOR NON-U.S. NATO FORCES.

5. FREEDOM OF MOVEMENT OF OBSERVERS. FRG REP PROPOSED DROPPING PARAS 19, 20 AND 21, REPLACING THEM WITH A GENERAL FORMULATION AND ADDING AN EXPLANATION IN THE COVER NOTE THAT DETAILS OF FACILITIES FOR AND CONTROL OF OBSERVERS WERE STILL UNDER STUDY. COMMITTEE ACCEPTED SUGGESTION, SINCE IT AGREED THAT THESE DETAILS WERE NOT NECESSARY AT THIS TIME. (COMMENT: FRG DELEGATION TOLD US PRIVATELY THAT BONN WISHED TO DROP PARAS 17 AND 18 AS WELL AND TO KEEP ONLY TITLE FOR MEASURES IV. FRG DELEGATION REALIZED THAT SPC WOULD NOT ACCDEPT DELETION OF PARAS 17 AND 18 AND THUS PROPOSED DROPPING ONLY LAST RHREE PARAS, WHICH WERE OF LESSER IMPORTANCE AT THE MOMENT. END COMMENT).

6. DEFINITION OF EXERCISES. (PARA 13). INTERNATIONAL STAFF WILL MAKE A FEW EDITING CORRECTIONS TO TEXT IN PREPARING REPORT FOR TRANSMISSION TO NAC. ONLY SIGNIFICANT CHANGE WILL BE TO CHANGE FIRST SENTENCE OF PARA 13 TO READ "PERMANENT MILITARY GARRISONS AND OUTSIDE OF DEFINED GROUND TRAINING AREAS "IN LIEU OF "PERMANENT MILITARY GARRISONS OR OUTSIDE OF DEFINED GOURND TRAINING AREAS."
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IS POINTS OUT, CORRECTLY IN MISSION'S VIEW, THAT EARLIER USE OF "OR" WOULD REQUIRE NOTIFICATION OF EXERCISES WITHIN TRAINING AREAS BY FORCES OUTSIDE OF THEIR MILITARY GARRISONS. WITHOUT THE CHANGE TO "AND", THEREFORE, DEFINITION WOULD RUN COUNTER TO U.S. DESIRE TO EXCLUDE FROM NOTIFICATION EXERCISES WITHIN DEFINED TRAINING AREAS.
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TAGS: PARM, NATO
To: STATE PRIOTITY
SECDEF INFO BONN
LONDON
VIENNA
USNMR SHAPE
USCINCEUR
GENEVA

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